

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

DERRICK WILLIAMSON,)	
)	
Plaintiff,)	
)	
v.)	No. 1:09-CV-13 CAS
)	
CITY OF NEW MADRID, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on review of the file. On May 18, 2009, plaintiff filed a “Response to Answer.” An examination of the document indicates that it is plaintiff’s reply to the answer filed by remaining defendants Hensley and Hill.

Rule 7(a) of the Federal Rules of Civil Procedure specifies the pleadings which are permitted to be filed in a federal civil case. The Rule states:

Pleadings. Only these pleadings are allowed:

- (1) a complaint;
- (2) an answer to a complaint;
- (3) an answer to a counterclaim designated as a counterclaim;
- (4) an answer to a crossclaim;
- (5) a third-party complaint;
- (6) an answer to a third-party complaint; and
- (7) **if the court orders one, a reply to an answer.**

Rule 7(a), Fed. R. Civ. P. (emphasis added).

“[A] reply is allows only on a court order and in limited circumstances.” 2 James Wm. Moore, et al., Moore’s Federal Practice § 7.02[7][a] (3d ed. 2008). “A clear showing of necessity or of extraordinary circumstances of a compelling nature will usually be required before the court will

order a reply. Even an allegation of new matter that goes beyond the allegations of the responsive pleading is not a sufficient ground for a reply.” 2 Moore’s Federal Practice § 7.02[7][b].

In this case, the defendants’ answer did not contain a counterclaim and the Court did not order plaintiff to file a reply to the answer. The reply filed by plaintiff does not indicate a clear showing of necessity or of extraordinary circumstances of a compelling nature. Plaintiff’s reply is therefore not properly filed under Rule 7(a), Fed. R. Civ. P., and will be stricken from the record.

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s reply to the defendants’ answer is **STRICKEN** from the record of this case. [Doc. 15]

IT IS FURTHER ORDERED that the Clerk of the Court shall delete from the record of this matter Document 15, plaintiff’s reply to the defendants’ answer (docketed as “Traverse re Answer to Complaint”).

A handwritten signature in black ink, appearing to read "Charles A. Shaw", written over a horizontal line.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 27th day of May, 2009.